

**BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF:

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ANDRE Q. BELL, D.D.S.
207 E. Main Street
Knoxville, IA 50138

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NOTICE OF HEARING

License #7621

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Respondent

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You are hereby notified that on April 17, 2003, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

IT IS HEREBY ORDERED that a disciplinary contested case hearing be held upon the Statement of Charges on June 13, 2003, before the full Board or a panel of the Board. The hearing shall begin at 8:30 a.m. and shall be located in the Conference Room, Iowa Board of Dental Examiners at 400 SW 8th Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge

make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:


Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code

51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 17th day of April, 2003.


LEROY. STROHMAN, D.D.S.
Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

Jeffrey A. Boehlert
Attorney for Respondent
Patterson Law Firm
505 Fifth Avenue, Ste. 729
Des Moines, IA 50309

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**ANDRE' Q. BELL, D.D.S.
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STATEMENT OF CHARGES

License #7621

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Respondent

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
 - 2) On November 2, 1992, Andre' Q. Bell, D.D.S., the Respondent, was issued license number 7621 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
 - 3) License number 7621 is current and on active status until June 30, 2004.

COUNT I

Respondent is charged under Iowa Code Section 153.34(4) (2001) with willful or repeated violations of the rules of the Board by failing to maintain records in a manner consistent with the protection of the welfare of the patient, in violation of 650 Iowa Administrative Code Section 27.11.

COUNT II

The Respondent is charged under Iowa Code Section 153.34(5) (2001) and 650 Iowa Administrative Code Section 30.4(10) with obtaining a fee by fraud or misrepresentation.

COUNT III

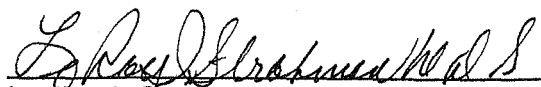
The Respondent is charged under Iowa Code Section 153.34(7) (2001) and 650 Iowa Administrative Code 30.4(13) with unprofessional conduct in the practice of dentistry.

THE CIRCUMSTANCES

1. Board rule 650-27.7(2) states that a dentist who accepts a third-party payment under a co-payment plan as payment in full without disclosing to the third-party payer that the patient's payment portion will not be collected is engaging in deception and misrepresentation by this overbilling practice.
2. Board rule 650-27.11 states that dentists shall maintain patient records in a manner consistent with the protection of the welfare of the patient.
3. Approximately twenty-three (23) patient records were reviewed by a Board consultant. Following this review, the consultant concluded that :
 - a. All patient records reviewed were below the standard of care in regards to patient record keeping practices.
 - b. At least twelve (12) of the records reflect unethical billing practices.
4. Respondent on multiple occasions accepted a third-party payment under a co-payment plan as payment in full without disclosing to the third-party payer that the patient's payment portion would not be collected.
5. Respondent on multiple occasions failed to accept a third-party payment under a co-payment plan as payment in full and instead billed the patient for the difference.

6. Respondent on multiple occasions submitted incorrect claims which resulted in overpayments being made to him. The third-party payers were not notified of these overpayments.

On this day 17th day of April, 2003, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


LeRoy I. Strohman, D.D.S., Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
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